

# Chapter 8: Review Period and Reversion

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## **Review Period**

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The purpose of the review period is for the new manager to learn the job, and for the hiring manager to observe performance and progress. As with any appointment, the hiring manager will need to provide training, evaluate the new manager, and communicate this information with the appointee. Please refer to Chapter 7 (Performance Appraisal) for tools available for evaluating performance.

Under the WMS, the review period allows some flexibilities that agencies will need to consider how to administer. For example, the agency will need to determine how long a review period should be and at what point during the review period performance evaluations will be conducted.

### **Circumstances Calling for a Review Period**

Employees who are hired or promoted into a Washington Management Service position (including those who promote from one WMS position to another WMS position) will serve a review period.

Employees in existing classified positions that are included in the WMS at its inception will not need to serve a review period. Employees who are in a probationary or trial service period will complete the terms of the original appointment. This includes positions that were in the former Career Executive Program.

A review period is optional when promotions occur within the same position, or when filling positions with a transfer or voluntary demotion. If the duties performed will be substantially the same, the review period would not provide additional information about the employee's performance. However, if the duties are significantly different from what the person has done previously, a review period may be appropriate.

### **Length of the Review Period**

The General Service requires a fixed, predetermined probationary period of six to twelve months, based on job class. Promotional appointees in the General Service serve a six month trial service. The WMS requires a review period of between twelve and eighteen months. Within this range, each agency has discretion to determine how long the review period will be. Agencies can also choose to use a "floating" review period. A floating review period is one in which a minimum (at least 12 months) and maximum (no more than 18 months) length for the review period are set in advance and tied to predetermined performance goals.

The nature of the position should be the primary factor considered. The experience the employee brings to the position may be another factor. Agencies will want to base decisions on job-related factors—ensuring that decisions are equitable and that there is no disparate treatment for non-job related reasons (race, gender, etc.).

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### **Agency Policies**

Some issues to consider in preparing agency policies include:

- Who will decide the length of the review period? Based on what criteria?
- Will all positions within a particular band or functional area have the same length of a review period?
- How will an appointee's strengths or weaknesses be objectively factored in when determining the length of a review period?
- How will flexible approaches be managed to ensure equity and nondiscrimination?
- If a floating review period is used, what will be the checkpoints and criteria for determining when the review period has been completed? How will this be communicated to appointees at time of hire?
- How should decisions be made for determining whether a review period is necessary for changes in the current job, transfers, and demotions?
- What will be the timing and frequency of performance evaluations during the review period?

Agencies are reminded that it may not be necessary or desirable to prescribe specific procedures or "answers" to each of these questions. Case-by-case customized approaches are recommended. Check points, authorization points, and perhaps a checklist of values to be considered may be the only issues to identify in procedures.

## ■ Reversion

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During the review period, it may become clear that an appointee's performance does not meet the needs of the position (such a determination should only be made following a performance evaluation and subsequent, appropriate training and assessment). If the person was appointed from outside state service, there are no reversion rights. The reversion options for those who held permanent status prior to the appointment are outlined in WAC 356-56-230. The primary reversion options are summarized below:

- An employee with permanent status in the WMS has reversion rights *within the hiring agency* to a vacant funded position for which he/she is qualified and that is comparable to the employee's previous WMS position. If no such position exists, the agency shall place the employee in a position for which the employee is qualified, similar to the previous position and salary. This may result in a RIF action as outlined in WAC 356-56-550.
- A permanent employee in the General Service who is appointed to a WMS position *within the same agency* has reversion rights to the job class previously held with permanent status.
- A permanent employee in the General Service who is appointed to a WMS position *in a different agency* has reversion rights to a vacant position in the hiring agency. The position must be comparable to the position in which the employee held permanent status before being appointed to WMS. If there is no vacant position, the employee may be placed on a reversion register.

The above is a brief summary of the key options for reversion in the Washington Management Service. To ensure fair treatment of employees, it is important to carefully review WAC 356-56-230 when a reversion occurs.

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### Return from Exempt

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Washington Civil Service law provides that exempt employees who were previously permanent in classified positions may return to a position comparable to the one held prior to the exempt appointment. Since Washington Management Services positions are by statute civil service positions, employees returning from exempt would have rights to them.

As has been the case prior to the implementation of WMS, agencies may first consider vacancies. If there are no vacancies that meet the criteria, the return of the employee may create a situation of having more employees than FTEs. In this case, a double-fill may be appropriate, or the agency may need to conduct a reduction-in-force (RIF). If a RIF is necessary, then all applicable RIF rules and contract agreements should be consulted to determine who had rights to which positions.